

State of New Jersey  
Department of Labor and Workforce Development  
Board of Review

## MEMORANDUM

**To:** Cornelia Calderone, Chair, Joseph Sieber,  
Vice Chair, and Frank Serico, Member

**From:** Gerald Yarbrough, Executive Secretary  
Board of Review

**Subject:** Minutes of the March 29, 2006  
Board of Review Meeting

**Date:** April 3, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO  
CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, March 29, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, April 5, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Ms. Calderone, Chair  
Mr. Sieber, Vice Chair  
Mr. Serico, Member  
Mr. Yarbrough, Executive Secretary

2. Following a motion by Mr. Serico and seconded by Sieber, the minutes of the March 22, 2006, meeting were approved.

3. Old Business

(a) 95,222

Mr. Sieber presented this case that involved a claimant who was absent from work and did not contact the employer. The Appeal Tribunal had held the claimant not disqualified for benefits under N.J.S.A. 43:21-5(a) or (b). The Board noted that it was unknown if the claimant received prior warnings. As a result, the Board voted to remand the case for testimony from the employer's firsthand witness. Mr. Sieber will prepare the remand.

#### 4. New Business

(a) 99, 057

Mr. Gitter described this case that involved a claimant who left work with one employer to accept work with another employer. The claimant worked four weeks for the subsequent employer and received severance pay at the time of separation. The Appeal Tribunal had held the claimant disqualified under N.J.S.A.43:21-5(a) as a result of his separation from the first employer, and subsequent weeks and wages were insufficient to remove the disqualification. The Board noted that the claimant's wages with the severance pay was sufficient to toll the voluntary leave disqualification. As a result, the Board voted to modify the Appeal Tribunal, holding that the claimant tolled the voluntary leave disqualification. Mr. Gitter will prepare the decision.

(b) 96,606

This matter was tabled for further research.

(c) 94, 539

This matter was tabled for further review by Mr. Sieber.

(d) 98, 628

Mr. Maddow presented this case that involved a claimant who left work because she received a warning. She also left due to comments made by the employer. The Appeal Tribunal had held the claimant not disqualified under N.J.S.A. 43:21-5(b), but disqualified under N.J.S.A. 43:21-5(a). After discussion, the Board voted to affirm the Appeal Tribunal.

(e) 87, 184

Ms. Futterman described this case that involved a claimant who was injured while working and was on an approved medical leave of absence. The claimant was separated when he could not perform the work. The Appeal Tribunal had held the claimant not disqualified for benefits under N.J.S.A. 43: 21-5(a) or (b). After discussion, the Board voted to affirm the Appeal Tribunal.

(f) 99, 145

As presented by Ms. Futterman, this case involved a claimant who was discharged due to absenteeism. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(b). After discussion, the Board voted to affirm the Appeal Tribunal.

**5. Public Portion**

Ms. Kathleen Wardell, Unemployment Technician, advised the Board of the current proposed legislation.

There being no further business to transact, a motion was made by Mr. Sieber to adjourn the meeting. Mr. Serico seconded the motion.

SUBMITTED FOR APPROVAL:

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Gerald Yarbrough  
Executive Secretary